



General Assembly

**Substitute Bill No. 6598**

January Session, 2013



**AN ACT CONCERNING THE DISPOSAL OF WEAPONS SEIZED FROM  
A PERSON WHO POSES A RISK OF IMMINENT PERSONAL INJURY  
TO SELF OR OTHERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-38c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Upon complaint on oath by any state's attorney or assistant  
4 state's attorney or by any two police officers, to any judge of the  
5 Superior Court, that such state's attorney or police officers have  
6 probable cause to believe that (1) a person poses a risk of imminent  
7 personal injury to himself or herself or to other individuals, (2) such  
8 person possesses one or more firearms, and (3) such firearm or  
9 firearms are within or upon any place, thing or person, such judge may  
10 issue a warrant commanding a proper officer to enter into or upon  
11 such place or thing, search the same or the person and take into such  
12 officer's custody any and all firearms. Such state's attorney or police  
13 officers shall not make such complaint unless such state's attorney or  
14 police officers have conducted an independent investigation and have  
15 determined that such probable cause exists and that there is no  
16 reasonable alternative available to prevent such person from causing  
17 imminent personal injury to himself or herself or to others with such  
18 firearm.

19 (b) A warrant may issue only on affidavit sworn to by the  
20 complainant or complainants before the judge and establishing the  
21 grounds for issuing the warrant, which affidavit shall be part of the  
22 seizure file. In determining whether grounds for the application exist  
23 or whether there is probable cause to believe they exist, the judge shall  
24 consider: (1) Recent threats or acts of violence by such person directed  
25 toward other persons; (2) recent threats or acts of violence by such  
26 person directed toward himself or herself; and (3) recent acts of cruelty  
27 to animals as provided in subsection (b) of section 53-247 by such  
28 person. In evaluating whether such recent threats or acts of violence  
29 constitute probable cause to believe that such person poses a risk of  
30 imminent personal injury to himself or herself or to others, the judge  
31 may consider other factors including, but not limited to (A) the  
32 reckless use, display or brandishing of a firearm by such person, (B) a  
33 history of the use, attempted use or threatened use of physical force by  
34 such person against other persons, (C) prior involuntary confinement  
35 of such person in a hospital for persons with psychiatric disabilities,  
36 and (D) the illegal use of controlled substances or abuse of alcohol by  
37 such person. If the judge is satisfied that the grounds for the  
38 application exist or that there is probable cause to believe that they  
39 exist, such judge shall issue a warrant naming or describing the  
40 person, place or thing to be searched. The warrant shall be directed to  
41 any police officer of a regularly organized police department or any  
42 state police officer. It shall state the grounds or probable cause for its  
43 issuance and it shall command the officer to search within a reasonable  
44 time the person, place or thing named for any and all firearms. A copy  
45 of the warrant shall be given to the person named therein together  
46 with a notice informing the person that such person has the right to a  
47 hearing under this section and the right to be represented by counsel at  
48 such hearing.

49 (c) The applicant for the warrant shall file a copy of the application  
50 for the warrant and all affidavits upon which the warrant is based with  
51 the clerk of the court for the geographical area within which the search  
52 will be conducted no later than the next business day following the

53 execution of the warrant. Prior to the execution and return of the  
54 warrant, the clerk of the court shall not disclose any information  
55 pertaining to the application for the warrant or any affidavits upon  
56 which the warrant is based. The warrant shall be executed and  
57 returned with reasonable promptness consistent with due process of  
58 law and shall be accompanied by a written inventory of all firearms  
59 seized.

60 (d) Not later than fourteen days after the execution of a warrant  
61 under this section, the court for the geographical area where the  
62 person named in the warrant resides shall hold a hearing to determine  
63 whether the seized firearms should be returned to the person named in  
64 the warrant or should continue to be held by the state. At such hearing  
65 the state shall have the burden of proving all material facts by clear  
66 and convincing evidence. If, after such hearing, the court finds by clear  
67 and convincing evidence that the person poses a risk of imminent  
68 personal injury to himself or herself or to other individuals, it may  
69 order that the firearm or firearms seized pursuant to the warrant  
70 issued under subsection (a) of this section continue to be held by the  
71 state for a period not to exceed one year, otherwise the court shall  
72 order the seized firearm or firearms to be returned to the person  
73 named in the warrant. If the court finds that the person poses a risk of  
74 imminent personal injury to himself or herself or to other individuals,  
75 it shall give notice to the Department of Mental Health and Addiction  
76 Services which may take such action pursuant to chapter 319i as it  
77 deems appropriate.

78 (e) Any person whose firearm or firearms have been ordered seized  
79 pursuant to subsection (d) of this section, or such person's legal  
80 representative, may transfer such firearm or firearms in accordance  
81 with the provisions of section 29-33 or other applicable state or federal  
82 law, to any person eligible to possess such firearm or firearms. Upon  
83 notification in writing by such person, or such person's legal  
84 representative, and the transferee, the head of the state agency holding  
85 such seized firearm or firearms shall within ten days deliver such

86 firearm or firearms to the transferee.

87 (f) Any person whose firearm or firearms have been ordered seized  
 88 pursuant to subsection (d) of this section and who does not transfer  
 89 such firearm or firearms in accordance with subsection (e) of this  
 90 section may request the return of such firearm or firearms upon the  
 91 expiration of any period, ordered by the court pursuant to subsection  
 92 (d) of this section, during which such firearm or firearms shall  
 93 continue to be held. Such request shall be made in writing to the state  
 94 agency holding such firearm or firearms, and shall be made not later  
 95 than sixty days after the expiration of the holding period ordered by  
 96 the court. If no such request is received by the state agency prior to the  
 97 expiration of such time period, the state agency may dispose of such  
 98 firearm or firearms in any manner it deems appropriate, and no  
 99 liability shall thereby accrue against such state agency or its  
 100 employees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	29-38c

**PS**      *Joint Favorable Subst.*